



**AN ORDINANCE BY:
COUNCILMEMBERS JIM MADDOX AND C. T. MARTIN**

04-O-0233

AS AMENDED BY THE FINANCE/EXECUTIVE COMMITTEE

An Ordinance to amend Section 2 -1571 of the Code of Ordinances of the City of Atlanta so as to add a new subsection (c) to require the Mayor to notify the Council, before going public, of any initiative regarding the Sale and Disposition of real estate; and for other purposes

WHEREAS, the Council of the City of Atlanta is its governing body; and

WHEREAS, the City Charter grants the City Council policymaking functions; and

WHEREAS, on a number of occasions, the policymaking function of the Council has been compromised, and pre-empted by the Executive; and

WHEREAS, this slight is often caused by notification by the Executive to various interest groups, the media and other "shadow" interests; and

WHEREAS, pursuant to the Charter of the City of Atlanta, the Code of Ordinances sets out certain provisions for the disposition of City-owned real property; and

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA as follows:

Section 1: That Subdivision III. Sale and Disposition which reads as follows:

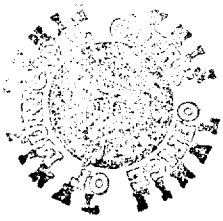
Subdivision III. Sale and Disposition

Sec. 2-1571. Methods.

(a) Unless otherwise provided by law, the sale or disposition of all interests in city-owned real property shall be by competitive sealed bidding, pursuant to section 2-1572, except in the following circumstances:

(1) Narrow strips of land. Narrow strips of land, so shaped or so small as to be incapable of being used independently as zoned or under applicable subdivision or other development ordinances, or streets, whether owned in fee or used by easement, may be sold to the abutting property owner in proportion to abutting ownership in an equitable manner as provided in sections 2-1578 and 138-5;

(2) Easements. All types of easements, where the abutting property owner also owns the underlying fee simple title, such land or interest in land may be sold



to the abutting property owner in proportion to abutting ownership in an equitable manner, as provided in section 2-1579;

(3) Exchanges. Any land or interest therein which was originally acquired for the purpose of streets, rights-of-way or easements may be traded or exchanged pursuant to section 2-1543 as consideration for other land acquired for streets, rights-of-way or easements, including transactions which may be partly for cash and partly by trade or exchange, when the chief procurement officer determines that it is in the city's best interest; and

(4) Development contracts. The city may have city-owned real estate developed by contract with an independent entity.

(b) However, nothing in this subdivision shall require the city to accept any bid or offer or be required to consummate any sale or exchange.

Sec. 2-1572. Competitive sealed bidding.

(a) Conditions for use. The sale of interests in real property owned by the city shall be made by competitive sealed bidding, except as otherwise provided.

(b) Duties of chief procurement officer. The chief procurement officer shall sell real property owned by the city when such property is no longer used or needed by the city, as provided in this section. Prior to the sale of any real property, the chief procurement officer shall consult with the using agency to determine if any conditions for use or deed restrictions should apply to the sale to further the city's economic, physical and social development objectives and land use plans.

(c) Ordinance required. The chief procurement officer shall prepare an ordinance for adoption by the city council and approval of the mayor for the sale of the property. The ordinance shall:

(1) Specify that the land is no longer useful to or needed by the city;

(2) Order that the real property be sold;

(3) Authorize the chief procurement officer to:

a. Obtain a land survey;

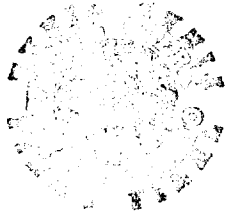
b. Obtain a sealed appraisal of the land from a competent real estate appraiser, based upon any conditions of sale, restricted use or deed restrictions to be applied to the sale;

c. Advertise for bids for the sale of the property; and

(4) Appropriate funds for the cost of the appraisal, land survey and advertisement of sale bids.

(d) Invitation for sale bids. An invitation for sale bids shall be issued and shall include a legal description of the real property and all terms and conditions applicable to the sale, including but not limited to the requirement of bid security as provided in section 2-1573.

(e) Public notice. An advertisement inviting bids shall be published at least once a week for two consecutive weeks in the official legal organ of the county or in at least one newspaper of general circulation in the city, not less than 15 nor more than 60 days prior to the last day for receipt of bids. Such advertisement shall give a legal description of the property, its dimensions, its location and any conditions of the sale or restrictions for use. Notice shall also include the posting



of a sign on the property in a size appropriate to give a ready, willing and able buyer adequate notice and which shall contain general information of the sale.

(f) Bid opening, acceptance and evaluation. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for sale bids. The name of each bidder, the amount of each bid and other such relevant information as the chief procurement officer deems appropriate shall be recorded. The record and each bid shall be open to public inspection. The chief procurement officer shall open the sealed appraisal, and the responsiveness of each bid shall be evaluated in relation to the fair market value set by the appraisal.

(g) Withdrawal of bids. Except as provided in this subdivision, bids shall become irrevocable when the bid deposit has been received by the city.

(h) Award. The award shall be made in accordance with the provisions of the invitation for sale bids to the highest responsible and responsive bidder, provided that the price offered by such bidder is acceptable to the chief procurement officer based upon the appraised fair market value of the property. The chief procurement officer may accept a bid which is lower than the appraised value subject to prior city council approval. Where the offered price is not acceptable, the chief procurement officer may reject the bid and negotiate the sale or bids may be resolicited. The chief procurement officer shall advertise in a paper of daily general circulation and the official legal organ of the county.

(i) Resolution and closing. The chief procurement officer shall prepare a resolution for adoption by the city council and approval of the mayor, which shall:

- (1) Authorize the bid award to the highest responsible bidder;
- (2) Authorize sale of the property;
- (3) Authorize the mayor to execute a deed; and
- (4) Contain a legal description of the property.

The chief procurement officer shall notify the chief financial officer in writing upon the close of the sale and shall make the adjustments to the real property inventory and assets listing of the city.

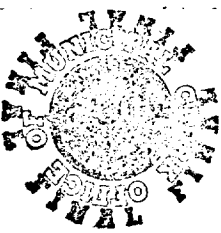
Be amended by adding a new subsection (c) to Section 2-1571 to read as follows:

(c) Notwithstanding the forgoing, in the event the Mayor chooses to explore the disposition of real property valued in excess of \$250,000.00, through the issuance of a bid or request for proposals, the Mayor shall notify the City Council of such activity by written communication prior to undertaking the procurement process.

So that, when amended Section 2-1571 shall read:

Sec. 2-1571. Methods.

(a) Unless otherwise provided by law, the sale or disposition of all interests in city-owned real property shall be by competitive sealed bidding, pursuant to section 2-1572, except in the following circumstances:



- (1) Narrow strips of land. Narrow strips of land, so shaped or so small as to be incapable of being used independently as zoned or under applicable subdivision or other development ordinances, or streets, whether owned in fee or used by easement, may be sold to the abutting property owner in proportion to abutting ownership in an equitable manner as provided in sections 2-1578 and 138-5;
 - (2) Easements. All types of easements, where the abutting property owner also owns the underlying fee simple title, such land or interest in land may be sold to the abutting property owner in proportion to abutting ownership in an equitable manner, as provided in section 2-1579;
 - (3) Exchanges. Any land or interest therein which was originally acquired for the purpose of streets, rights-of-way or easements may be traded or exchanged pursuant to section 2-1543 as consideration for other land acquired for streets, rights-of-way or easements, including transactions which may be partly for cash and partly by trade or exchange, when the chief procurement officer determines that it is in the city's best interest; and
 - (4) Development contracts. The city may have city-owned real estate developed by contract with an independent entity.
- (b) However, nothing in this subdivision shall require the city to accept any bid or offer or be required to consummate any sale or exchange.
- (c) Notwithstanding the forgoing, in the event the Mayor chooses to explore the disposition of real property valued in excess of \$250,000.00, through the issuance of a bid or request for proposals, the Mayor shall notify the City Council of such activity by written communication prior to undertaking the procurement process.**

Section 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

FEB 16, 2004

FEB 25, 2004

RCS# 5426
2/16/04
2:58 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PGS 1-12, EXCEPT:04-R-0242
 AND 04-R-0130
 ADOPT

YEAS:	13
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	1

B	Smith	Y	Archibong	Y	Moore	Y	Mitchell
Y	Starnes	NV	Fauver	Y	Martin	Y	Norwood
Y	Young	Y	Shook	Y	Maddox	Y	Willis
Y	Winslow	Y	Muller	Y	Boazman	NV	Woolard

CONSENT I

RCS# 5425
2/16/04
2:56 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PGS 1-12, EXCEPT:04-R-0242

RECONSIDER

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 5424
2/16/04
2:55 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-12, EXCEPT:04-R-0242

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

*Reconsidered
see
RCS# 5425*

B Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
A Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

2-16-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0049 2. 04-O-0125 3. 04-O-0126 4. 04-O-0143 5. 04-O-0144 6. 04-O-0035 7. 04-O-0067 8. 04-O-0233 9. 04-O-0235 10. 04-O-0251 11. 04-O-0231 12. 04-R-0188 13. 04-R-0190 14. 04-R-0228 15. 04-R-0229 16. 04-R-0222 17. 04-R-0227 18. 04-R-0128 19. 04-R-0129 20. 04-R-0130 21. 04-R-0131 22. 04-R-0189 23. 04-R-0273 24. 04-R-0218 25. 04-R-0219 26. 04-R-0220 27. 04-R-0245 28. 04-R-0246 29. 04-R-0249 30. 04-R-0250 31. 04-R-0274 32. 04-R-0226	33. 04-R-0207 34. 04-R-0208 35. 04-R-0209 36. 04-R-0210 37. 04-R-0211 38. 04-R-0212 39. 04-R-0213 40. 04-R-0214 41. 04-R-0215 42. 04-R-0223 43. 04-R-0224 ITEMS ADVERSE ON CONSENT 44. 04-R-0191 45. 04-R-0192 46. 04-R-0193 47. 04-R-0194 48. 04-R-0195 49. 04-R-0196 50. 04-R-0197 51. 04-R-0198 52. 04-R-0199 53. 04-R-0200 54. 04-R-0201 55. 04-R-0202 56. 04-R-0203 57. 04-R-0204 58. 04-R-0205 59. 04-R-0206 60. 04-R-0225

#4

04-0-0233

(Do Not Write Above This Line)

Councilmembers Jim Maddox and C. T. Martin

An Ordinance to amend Section 2-1571 of the Code of Ordinances of the City of Atlanta so as to add a new subsection (c) to require the Mayor to notify the Council, before going public, of any initiative regarding the Sale and Disposition of real estate; and for other purposes

ADOPTED BY
FEB 1 6 2004
COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 02/02/04
Referred To: Finance / Executive
Date Referred
Referred To:
Date Referred
Referred To:
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee Finance
Date 2-11-04
Chair _____
Action _____
Fav, Adv, Hold (see rev. side) _____
Other _____
Members _____
Refer To _____

Committee

Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side) _____
Other _____
Members _____
Refer To _____

Committee

Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side) _____
Other _____
Members _____
Refer To _____

Committee

Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side) _____
Other _____
Members _____
Refer To _____

FINAL COUNCIL ACTION

- ☒ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- ☒ Consent
- ☐ V Vote
- ☒ RC Vote

CERTIFIED

FEB 1 6 2004

Ronald D. Johnson
MUNICIPAL CLERK

FEB 1 6 2004

MAYOR'S ACTION

APPROVED

FEB 2 5 2004

WITHOUT SIGNATURE
BY OPERATION OF LAW